

REMARKS

In the above-identified Office Action, Examiner Kennedy rejected the pending claims principally over U.S. Patent No. 6,332,633 to Fitoussi et al. As Examiner Kennedy takes up this case to reconsider the claims in light of the above amendments and the remarks below, he is respectfully requested to call the undersigned counsel for a telephone interview.

Information Disclosure Statement

The pending Office Action stated that the previously-submitted IDS was not considered because it did not include a copy of the foreign references. A new IDS has been provided, in which each reference is either a U.S. patent or a foreign reference for which a copy in English is included. The Examiner is respectfully requested to consider these references.

The Objection to Claim 7 Should be Withdrawn

The Examiner is thanked for noting the extra word “is” in claim 7, and an amendment has been made per his suggestion. No change has been made to the scope of the claim.

While no objection to claim 6 was in the Office Action, it was noted that the phrase “cavity grip” was repeated in it. An amendment to correct that typographical error is being made. No change has been made to the scope of the claim, and none should be inferred.

Claims 2-4, 6-7, and 9-20 are Not Anticipated by Fitoussi

Independent claims 11 and 14, and the claims that depend from them, are not anticipated by Fitoussi, since the reference does not show all features recited in them. Reconsideration and withdrawal of this rejection is respectfully requested.

RESPONSE TO NON-FINAL OFFICE ACTION

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Both of these independent claims recite a rim of the conical restraining surface that is approximately orthogonal to the longitudinal axis of the luer fitting member. The Office Action compared Fitoussi's item 30 to the recited rim, but its middle cylindrical surface 30 is parallel to the longitudinal axis. No one in this art could consider the chamfer (i.e. 45-degree angle) of Fitoussi's surfaces 34 and 36 to be the same as an approximately orthogonal relationship as claimed. Further, the chamfered surface 36 makes it easier to remove item 12 from item 54, with the adjacent sharp edge of item 64 riding up surface 36. A rim that is approximately orthogonal, represented in the present application, does not provide the assistance to removal that Fitoussi's surfaces 30 and 36 provide, giving a more secure arrangement against removal of the luer fitting member from the locking member.

The Office Action's interpretation of Fitoussi called its surface 34 a "conical restraining surface" and item 30 the "rim," but that interpretation does not fit with the recitation of a "conical restraining surface comprising a rim" in claim 11 (emphasis added). As disclosed in Fitoussi, item 30 includes or "comprises" surface 34 (see, e.g., column 3, lines 12-15 ["rim 30 is formed with rear and front chamfered edges 34 and 36"]), not the other way around.

For at least these reasons, Fitoussi does not include all features of independent claims 11 and 14 and other claims. Nevertheless, in order to move this application more quickly to allowance, the above amendments are being made. As discussed below, the amended claims are allowable over the cited references.

The recited rim is amended to specify, as shown in the drawings, that it provides an end surface that faces distally. Fitoussi's surfaces 30, 34 and 36 all are not approximately orthogonal to Fitoussi's longitudinal axis and/or distal-facing. If the Examiner were to consider the entire

item 30 a “conical restraining surface” in view of item 34, there is no distally facing surface of item 30 that is approximately orthogonal to the longitudinal axis, as already discussed.

The positive stop provided by engaging proximally-facing and distally-facing surfaces as claimed is much stronger against disengagement than the engagement of items 64 and 36 in Fitoussi. In fact, if a force tending to separate Fitoussi’s items 12 and 54 is exerted, the chamfered surface 36 will tend to assist in the separation of items 12 and 54.

The remaining claims in this rejection are dependent from claim 11 or claim 14, and are thus also allowable on that basis and/or on their own merit. For example, claim 2 recites that the locking member comprises a finlike handle. The Office Action suggested the Fitoussi shows a “finlike” handle, but there is no textual disclosure of such a handle, and none of Fitoussi’s drawings show a full outside view of its item 54. At best, the cross-sections of Figures 1A, 2A and 3A of Fitoussi suggest only a cylindrical configuration, which is not “finlike” as claimed.

Likewise, Fitoussi’s figures do not show or suggest an undulating grip of a locking member, as recited in claim 3. The cross-sections of the drawings do not include enough information to determine whether item 54 undulates. In particular, the horizontal line above the hatched area adjacent the number 54 in Figure 3A suggests only a surface of some kind visible behind the hatched “cut” of the cross-section. No information is given in the drawing or specification about the configuration of that surface, or of any other unseen part of item 54.

As to claim 4, Figure 9 of this application shows an example of a skeletal handle (see also paragraphs 46-47), and the specification differentiates between a skeletal handle and other types of handles (see, e.g., paragraphs 61-64). With due respect, “skeletal handle” is a proper structural limitation, which is not found in the Fitoussi reference.

As with claims 2 and 3, Fitoussi does not show enough information for one to determine that its item 54 has an indentation approximating the shape of a human thumbprint, as recited in claim 6. It is unclear exactly what the Examiner's Figure points to as a "thumbprint indentation," but the drawing shows only a line (54) in cross-section, apparently with a surface of some kind behind it. There is no disclosure in the drawing or in the specification of any two-dimensional shape of that surface, much less that it might be an "indentation" or represent a thumbprint.

Claim 7 recites that the finlike handle radially extends outward from approximately one longitudinal end of the locking member. It appears from the Examiner's Figure that the "one longitudinal end" was considered to be where item 54 narrows (near the circle at the bottom of the drawing). If that is the case, then the narrower section to its left extends longitudinally outward from that "end," not radially as the claim recites. Even if it were possible to give that left-hand area a "radial" component, it could only be inward of the rest of item 54 in such a radial sense, not outward of it.

As to claims 9 and 10, the above remarks establish that they are not anticipated by Fitoussi. Moreover, nothing in Fitoussi shows or suggests a combination of handle types or configurations on one locking member. Again, since item 54 is only shown in one cross-sectional view, there is insufficient information as to what characteristics its whole outside has.

Claim 12 recites that the annular surface uniformly mates with a corresponding annular surface of the plateau shaped protrusion. The Office Action refers to column 4, lines 40-44 in this regard, but that disclosure only states that instead of "rear and front locking surfaces" being designed for interference engagement, it is possible to have only "one of them lock engage [sic]." The locking surfaces referred to are items 68 and 70 (see column 3, lines 35-42) of item 54. Those items are longitudinal surfaces along the central opening of item 54. They are not an

“annular surface” of a luer fitting member as recited in claims 11 and 12, or an annular surface of a protrusion. The Office Action suggested on page 3 that Fitoussi’s item 68 is an annular surface of a luer fitting member, but the reference shows it to be a part of locking member 54, and parallel to the longitudinal axis, not approximately perpendicular to it. The Office Action also suggested that Fitoussi’s item 64 corresponds to a protrusion, but neither item 68 nor item 70 is part of Fitoussi’s item 64. Respectfully, the Office Action’s view of the reference does not result in anticipation of claim 12.

Moreover, the engagement between Fitoussi’s item 64 and its surfaces 34 and 36 is not a uniform mating. It is evident from the progression of Fitoussi’s drawings that surface 34 first meets a sharp edge on the right of item 64 (as seen in Fig. 1B). On the other side, surface 36 rides down a sharp edge on the left of item 64 (as seen in Fig. 3B). There is no uniform mating, but an edge abutting a chamfered surface.

Claims 15-20 depend from independent claim 14, and are not anticipated by Fitoussi on that basis and/or on their own merit. Claim 15 recites that the annular surface uniformly mates with a corresponding annular surface of the plateau shaped protrusion. As discussed above with respect to claim 12, Fitoussi does not show or suggest such an arrangement.

Claims 17-19 recite examples of handles shown in the present application. As discussed above, Fitoussi does not include enough information to show or suggest those structures.

Claim 8 is Not Obvious over Fitoussi With or Without Werschmidt

The Office Action alleged claim 8 to be obvious over Fitoussi in view of Werschmidt (US 5,620,427). It acknowledged that Fitoussi does not show ten waves in an undulating grip, but it did not cite any part of Werschmidt for any disclosure.

As noted above, Fitoussi does not show all features of independent claim 11. The Office Action's lack of any citation to specific portions of Werschmidt, as required to support an obviousness rejection, shows that a *prima facie* basis for the rejection has not been made, and further Applicants do not know what aspects of Werschmidt to discuss. It is noted that Figures 1 and 2 of Werschmidt do not disclose the features of claim 11 (or claim 8) missing from Fitoussi. Further, Fitoussi does not disclose any undulations on its item 54. The fact that it does not disclose any structural or functional significance to the number of undulations (as alleged by the Office Action) indicates a lack of disclosure, not a state of mind of one of ordinary skill in the art as to a number of undulations. Respectfully, there is no evidence in the record to support the Office Action's conclusion that the subject matter of claim 8 is (1) merely a change in shape or (2) that it would yield expected and predictable results.

New Claims

Claims 21-24 depend from claim 11. They are fully supported by the present application. Claim 21 recites that the luer fitting member is a male luer fitting member. Support for that language is found throughout the application, and particularly in Figure 2 and related text. Claim 22 recites a female luer fitting member into which the forward end of the male luer fitting member is inserted, with the female luer fitting member being connected to the locking member. Support for that language is found throughout the application, and particularly in Figure 1 and related text. Claim 23 recites that the rim is adapted to have a clearance fit in the locking member proximally of the protrusion end surface. Support for that language is found at least in Figure 1 and paragraph 67, as well as other parts of the application. Claim 24 recites that the

locking member has a rotatable fit with respect to the luer fitting member. Support for that language is found at least in Figure 1 and paragraph 22, as well as other parts of the application.

Each of claims 21-24 is allowable over Fitoussi at least based on its dependence from claim 11, and/or on its own merit. For example, Fitoussi does not show or suggest a rim adapted to have a clearance or rotatable fit in the locking member proximally of the protrusion end surface, as recited in claims 23-24. The Office Action considered Fitoussi's item 30 to be a "rim." As seen in Fitoussi's Figure 3B, however, item 30 is in an interference fit with the surface 70 of item 54 (see also column 3, lines 41-47; column 4, lines 22-24).

New independent claim 25 is not anticipated by or obvious over Fitoussi. The reference does not show a device in which a locking member has a rotatable fit with respect to the luer fitting member when the rim is proximal of the protrusion, as claimed. On the contrary, it shows a device in which its locking collar 54 is locked in an interference fit with respect to item 12, via the interfering engagement of surfaces 68 and 70 with surfaces 24 and 30 (see, e.g., column 3, lines 41-46; column 4, lines 22-24).

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or to concede any basis for the rejections in the Office Action but are simply provided to address the rejections made in the Office Action in the most expedient fashion. Applicant reserves the right to later contest positions taken by the Examiner that are not specifically addressed herein. No narrowing amendments necessary to patentability have been made in this paper, and no narrowing through any remarks herein is intended or should be inferred.

Reconsideration and passage to allowance in view of the above remarks is respectfully requested.

Respectfully submitted,

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